

# TOWN OF FITZWILLIAM

## PLANNING BOARD

### Meeting Minutes

May 19, 2020

*Note: Due to the COVID-19 pandemic, the Planning Board met remotely via phone/video conferencing, as allowed under NH Executive Order 2020-04, Emergency Order #12.*

**Members Present:** Chairman Suzanne Gray, Vice Chair Terry Silverman, Secretary Robin Peard-Blais, Paul Haynes, Barbara Young, Karen Craig, and Charley Kenison, Selectman representative

**Members Absent:**

**Staff Present:** Land Use Coordinator Lori Nolan

**Others Present:** Paul Grasewicz (applicant representative); Barbara and Rolf Briggs (applicants); Chris Guida (applicant representative); Mike Ploof (applicant representative); Ron and Beth Herrick (applicants); Pat English (applicant representative); Dana Pinney (resident);

Chairman Suzanne Gray opened the meeting at 7:04 and held roll call.

**Public Hearing: Todd Tousley – Boundary Line Adjustment** at 16 Ice House Point [Map 25, Lot 3 – Rural District]

Paul Grasewicz was welcomed to the meeting as the representative for the case. Grasewicz explained that Todd Tousley is looking to sell his land and the abutting property owner (Johnson) was interested in more land. Currently, Johnson's land ends basically at their door. Approximately 29,998 sq ft would be transferred from Tousley to Johnson. He concluded his proposal summary indicating that the Planning Board conducted at site walk on April 17.

Paul Haynes commented that he had no issue with the proposal. Terry Silverman commented that all requirements have been met, there would not be any adverse impact to any of the neighbors, and there is still room to expand. Robin Peard-Blais agreed with Silverman, and further commented that this will not affect the wetlands. Barbara Young, Karen Craig, and Charley Kenison all agreed.

**Silverman motioned to accept the Boundary Line Adjustment with no conditions. Craig seconded. Motion passed unanimously.**

Yes: 7 [Gray, Silverman, Peard-Blais, Haynes, Young, Craig, Kenison]; No: 0; Abstained: 0

**Preliminary Consultation – Ronald and Beth Herrick – Constructing of a driveway on a Class VI road at Kemp Brook Road [Map 2, Lot 19/20 – Rural District]**

Gray welcomed Ronald and Beth Herrick to the meeting. Ron Herrick explained to the board that they are looking to build a driveway on a Class VI unmaintained town road, with the eventual goal of building a permanent home on lot 20. Access to lot 20 would be through lot 19 from the Class VI road. Herrick explained that the State of New Hampshire allows this with various waivers. He asked the board if his construction permit would be denied right off the bat.

Silverman asked if Herrick had obtained the right-of-way to lot 20. Herrick explained that they currently own lot 19. He is agreeable to merge the two lots.

Silverman asked what else is on Kemp Brook Road. Herrick explained there is nothing on the road but trees and rock walls. There are no homes at all in this section of road.

Silverman asked the distant length from a Class V road. Herrick answered the driveway location would be approximately 3,000 feet from Putney Road (Class V) and approximately 1,000 feet to the ATV bridge by Royalston Road (Class IV). Herrick further commented that a standard SUV can drive on the road now. There is quite a bit of overgrowth but they want to add gravel and improve the road for their use.

Haynes asked how much frontage lot 19 has. Herrick answered approximately 800 feet.

Peard-Blais indicated that a site walk would need to take place before proceeding further as the area has a lot of hunting in the fall and snow mobile trails. She also commented that anyone using the Class VI road must be cognitive of the terrain and land.

Silverman asked what fire rescue/EMS ability would be to be able to access the land. Selectman Kenison commented that there is no chance EMS would be able to get there as it is barely passable now with a skidder. Herrick explained that they have considered this and have a plan in place. If the injured person is ambulatory, they would drive them to Putney Road. If the injured person is not ambulatory, they would meet EMS at Royalston Road and transport EMS to the home site. He further added that NH allows this if the homeowner signs a liability waiver. Silverman responded that a previous case of a subdivision on Dunton Road, the Town required they bring the road up to Town standards, even though this road, Dunton Road, was already in good shape. He felt Kemp Brook Road must be brought up to Town standards for EMS safety.

Gray commented that the liability waiver does not cover everyone, only the homeowners. Herrick responded indicating that they have no problem signing a liability waiver and can improve the road some.

Silverman explained that all property owners on the road and the town must sign off before you do any work on the road. Herrick commented that the Town can work on roads without homeowner's consent. Silverman replied saying the town does not work on Class VI roads. Herrick added that they own two out of the three properties on this section of road and he has

spoken to the other owner (map 6, lot 1 and map 6, lot 2.3). Gray explained that this is not the only Class VI road in town.

Herrick commented that the current use for the land has very low taxes, about \$50/year/lot. If they build a house, the taxes would be about \$8,000/year.

Barbara Young commented that the property seems to have a lot of water. Herrick explained there is water on the eastern side on lot 20. However, the middle and left of the lot has rolling hills and boulders. They have since marked where they want to build the driveway.

The Planning Board agreed to conduct a site walk on Wednesday, June 3 at 5:15pm.

Peard-Blais asked the LUC to notify the abutter Brown of the site walk.

**Public Hearing – Thomas Anderson – Constructing of a front porch within 71 feet of shoreland/prime wetlands at 62 Keene Ave [Map 25, Lot 13 – Rural District]**

Chairman Gray opened the public hearing explaining to the board that this case has also been heard by the ZBA and Conservation Commission. Both groups will conduct a site walk on May 22. Gray then welcomed Pat English as the applicant's representative.

English explained to the board the nature of the project – demolition of the 4x6' porch and replacement with a 4x12' deck on the non-lake side. The purpose of the project is because the homeowner moved the front door over and a larger deck is now needed.

Gray asked the size of the lot as it appears to be small. English commented that it is a small lot for sure. It is approximately 14 ft from one neighbor and 15 ft to the other neighbor.

Silverman asked about the covered porch on the lake side. English commented that the deck was constructed a couple of years ago.

Gray felt a site walk was needed due to the lot size, the project is within the WPOD, and a history of DES complaints from previous owners. The board agreed to conduct a site walk on Thursday, June 4 at 6:15pm.

Silverman asked about water mitigation for the roof. English commented that there are no plans, but it is something they can do and he is open to suggestions. Silverman further commented about the brick walkway on both sides of the house and his concerns about run-off leading to the lake without mitigation.

**Preliminary Consultation – Barbara and Rolf Briggs – Constructing of a residential house within the WPOD at 46 Rantilla Lane [Map 38, Lot 9 – Rural District]**

Gray welcomed Barbara and Rolf Briggs, along with their representative Chris Guida, to the meeting. Barbara Briggs opened their consultation explaining that they came before the Planning Board last year but with a different plan. The current plan will utilize the same drawings as before.

Guida introduced himself as a certified wetland and soil scientist. The Briggs bought the property in 2017 and brought in experts to upgrade the property to protect Rockwood Pond. The first step was with the state. DES requested the home be moved further from the water by about 8 feet. To prevent erosion into the water, the Briggs have incorporated stormwater management strategies, including grading of lot to incorporate natural features and species for added drainage. They also want to upgrade the septic to current standards. They have since obtained DES approval, with standard conditions included. At this time, they are looking for guidance – a conditional use permit, a ZBA variance for the construction process, or both.

Gray thanked the group for their thorough plans, but requested they submit the DES approval letter so the board can review the conditions. Guida commented that is not a problem but conditions are standard, like ensuring house location is moved 8' (not 6'), socks are installed for erosion, etc. Gray explained a conditional use permit would be required to build within the WPOD, but ZBA will need to be involved for construction of a shed and for adding any additional footprint.

Guida explained there is a proposed addition of a garage and shed. Silverman asked about the set-backs and size of the additions. Guida explained that the shed would be 50 feet away and about 318 square feet, while the garage would be 90 feet away going up the hill. Gray asked if the shed would be in the WPOD. Guida replied in the affirmative, but the location can be changed to improve the impervious factor.

Briggs explained improvements planned include a 12% roof pitch away from the pond, along with a basin, and removal of the impervious patio which will be turned into an impervious garden. It is the same plan as last year, except they added a shed to hold kayaks, etc. Briggs further explained the deck over the water will be removed upon request of the DES.

Silverman commented that the Planning Board will review the building (WPOD), while the ZBA will review the shed.

Gray asked if there are changes to the footprint of the house. Briggs explained the house will be slightly bigger as they plan to add a bathroom. Guida further explained the differences can be found on the Shoreland Permit Plan. The footprint will be slightly bigger but the improvements on the property will far exceed the impervious factor. Gray explained that if the footprint increases, the ZBA may need to review the case. Silverman and Gray both advised the applicants to obtain ZBA approval first.

**Preliminary Consultation – Albert Pelletier – Minor Subdivision at 196 Rockwood Pond Road [Map 17, Lot 4 – Rural District]**

Gray welcomed Mike Ploof to the meeting. Ploof introduced himself as a land surveyor representing Albert Pelletier. The plot of land includes 58 acres of land in Fitzwilliam [Map 17, Lot 4] and the adjacent lot of 111 acres of land in Troy. There is also a PSNH easement through the lots. Ploof is seeking guidance on the best way forward for a minor subdivision. The applicant is looking to subdivide the 58 acres lot for his daughter to build a home. The remaining land would remain undeveloped. The issue is there is only 293 feet of frontage. Ploof offered the board four options:

- Frontage acceptance with a hammerhead lot
- Turn easement into a private road to gain frontage requirement
- Apply to ZBA for frontage exception
- Have one buildable lot, with one non-buildable lot. Ploof commented that this is the least attractive option.

Kenison asked if there is a business operating there currently. Ploof responded that it looks like an old sand pit. Peard-Blais agreed with Ploof, that it appears to be the old sand pit which contained pollution from Troy Mills.

Ploof relayed to the board that he currently has a building permit for lot 4, but the applicant would like to subdivide first.

Silverman advised Ploof to survey the land to get an accurate measurement. There is precedent for a lot line adjustment for relief of the 7 feet.

Ploof asked the board's opinion of upgrading the easement to a Class V road. Silverman advised Ploof that this is allowable. It would be a subdivision with stringent standards; a lot is involved and an expensive option.

Ploof asked if a 250 foot exception is allowed. Silverman replied that it is by right. Gray advised the applicant to contact the LUC for the Town's road standards.

### **Wireless Communication Facility Ordinance review**

Gray began discussion explaining that the LUC broken down the ordinance into sections as requested by the board. The bulk of the work is in Permitted Uses and Allowed Locations section.

Silverman suggested this topic be tabled until the board can meet physically. The board agreed and the topic was tabled until the next physical meeting is held.

### **Review of Minutes**

**Peard-Blais motioned to accept the minutes of April 7, 2020 as written. Silverman seconded. Motion passed unanimously.**

Yes: 7 [Gray, Silverman, Peard-Blais, Haynes, Craig, Young, Kenison]; No: 0; Abstained: 0

**Peard-Blais motioned to accept the site walk minutes of April 17, 2020 as written. Craig seconded. Motioned passed.**

Yes: 6 [Gray, Peard-Blais, Haynes, Craig, Young, Kenison]; No: 0; Abstained: 1 [Silverman]

### **Old Business**

Gray updated the board on a meeting that she and Silverman attended in regards to the Chinook Solar project. She will send the entire board a confidential report on the meeting.

Gray discussed the April 7 letter from the SEC in regards to the Chinook Solar project. The LUC was asked to resend the letter to the board for their review.

**Peard-Blais motioned to accept the current officers until the next Annual Town Meeting. Silverman seconded. Motion passed unanimously.**

Yes: 7 [Gray, Silverman, Peard-Blais, Haynes, Craig, Young, Kenison]; No: 0; Abstained: 0

Peard-Blais motioned to hold Planning Board meetings once a month until physical meetings can take place again. The board agreed and scheduled the next Planning Board meeting for June 16, 2020.

**Silverman motioned to adjourn. Gray seconded. Motion passed unanimously.**

Yes: 7 [Gray, Silverman, Peard-Blais, Haynes, Craig, Young, Kenison]; No: 0; Abstained: 0

Meeting was adjourned at 8:38pm.

Respectfully Submitted,

Lori Nolan  
Land Use Coordinator

**Approved as amended on June 16, 2020**